UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

OCT 21 1998

Ms. Lisa Green, Program Director
Environmental Programs
Department of Energy
Idaho Operations Office
850 Energy Drive
Idaho Falls, ID 83401-1563

Dear Ms. Green:

Thank you for your letter of October 5, 1998, regarding your telephone conversation with David Hannemann and Julie Simpson of my staff. Your understanding, as expressed in your letter, of the disposal requirements for PCB/radioactive waste is correct.

Under §761.50(b)(7), as added by the PCB Disposal Amendments (63 FR 35384, June 29, 1998), you may dispose of PCB/radioactive waste on the basis of its radioactive properties, without regard to the PCB component of the waste, if the PCB disposal rules allow the waste to be disposed of in a facility permitted, licensed, or registered by a State as a municipal or non-municipal non-hazardous waste landfill. The PCB disposal rules allow materials containing PCBs to be disposed of in this type of landfill only if the PCB concentration is low, or the PCBs are not likely to leach from the material. We reasoned that a facility authorized to accept radionuclides would be sited, designed, constructed and operated in such a manner as to attenuate PCBs and keep them from contaminating any underlying aquifer. Therefore, disposal of these low-concentration or non-leaching PCBs in a radioactive waste disposal facility would not present an unreasonable risk of injury to human health or the environment.

I hope this clarifies that our concern is not that a particular municipal or non-municipal non-hazardous waste landfill be available to accept the PCB/radioactive waste, but rather that the PCB characteristics of the waste are such that they can be managed in a radioactive waste disposal facility.

CONCURRENCES								
SYMBOL	7404	7404						
SURNAME	Simpson	Barr						
DATE	10/20/98	10/20/98						

Should you desire to discuss this matter further, you may reach Mr. Hannemann at (202) 260-3961, or Ms. Simpson at(202)260-7873.

Sincerely,

John W. Melone, Director
National Program Chemicals Division

Department of Energy

Idaho Operations Office
850 Energy Drive
Idaho Falls, Idaho 83401-1563

October 5, 1998

Mr. Tony Baney
Chief, Fibers and Organics Branch (7404)
Environmental Protection Agency (EPA)
401 M Street, S.W.
Washington, D.C. 20469

SUBJECT: Disposal of PCB/Radioactive Bulk Product Wastes (OPE-EP& SA-218-98)

Dear Mr. Baney:

On October 1, 1998, representatives of DOE-ID and Lockheed Martin Idaho Technologies Company took part in a teleconference with Mr. Dave Hanemann and Ms. Julie Simpson of EPA. The discussion centered on language at 40 CFR 761.50(b)(7)(ii) dealing with PCB/Radioactive waste.

As you know, that section provides that the PCB component of PCB/Radioactive waste can be ignored for purposes of disposal if, looking solely at the PCB component, the waste would meet the requirements for disposal in a facility permitted, licensed, or registered by a State as a municipal or non-municipal non-hazardous waste landfill. The language was problematic for us because there is no industrial landfill program in Idaho. Our question was whether by "a State," the regulation meant the State in which the waste would be disposed of or any State. Mr. Hanemann and Ms. Simpson indicated that the intent of the regulation was any State. I subsequently talked with Mr. Hanemann about whether we needed to be able to specifically identify a landfill that could take the waste and he indicated we did not. Rather, we could assume that fact based on the provision at 40 CFR 761.62(b) permitting disposal of certain PCB bulk product waste in a municipal or non-municipal landfill.

Based on our conversation with Mr. Hanemann and Ms. Simpson and with their agreement, we have advised that the PCB component of PCB/Radioactive bulk product waste that meets the definition of "bulk product wastes" under 40 CFR § 761.62(b) can be disposed of at the Subsurface Disposal Area Low Level Waste (SDA LLW) Disposal Cell located on the Idaho National Engineering and Environmental Laboratory. The SDA LLW Disposal Cell is operated and regulated in accordance with DOE requirements pursuant to the Atomic Energy Act of 1954, as amended. Operating standards outlined in the applicable DOE directives include safety analysis, waste acceptance criteria, and operational procedures.

I would appreciate your written concurrence that we have correctly understood the conversation held with Mr. Hanemann and Ms. Simpson. Your cooperation in this matter is greatly appreciated.

If you have any questions on this matter, please contact Dave Wessman at (208) 526-0082.

Sincerely,

Lisa Green
Program Director, Environmental Programs

Cc: Daniel L. Duncan, EPA Region 10, Seattle, Washington

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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